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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D C 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

**REPLY COMMENTS OF THE SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION**

The South Dakota Telecommunications Association (**SDTA**), by its attorneys, hereby files reply comments on the Petition for Declaratory Ruling (Petition) filed by the Cellular Telecommunications & Internet Association (CTIA) in the above-captioned proceeding. SDTA files reply comments in support of those parties that ask the Commission to deny CTIA's Petition.<sup>1</sup> SDTA agrees with those parties that the CTIA Petition is contrary to the Commission's rules and orders concerning number portability and it would impose unnecessary costs and burdens on small rural carriers.

**I. INTRODUCTION**

SDTA is an association of 30 independent, cooperative and municipal incumbent local exchange carriers (LECs) serving rural areas in South Dakota. In the Petition, CTIA asks the Commission to declare that wireline carriers, such as the SDTA members, must port a customer's telephone numbers to a CMRS provider whose service area overlaps the wireline carrier's rate center in addition to where the wireless carrier has a

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<sup>1</sup> Specifically, SDTA files in support of the Joint Comments of the National Exchange Carrier Association, Inc. and the National Telecommunications Cooperative Association (NECA/NTCA Comments), and Comments of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO Comments).

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presence in the landline rate center. CTIA also asks the Commission to declare that no agreement between the carriers, other than a standard service-level porting agreement, is necessary before a wireline carrier ports a number to a CMRS provider. As wireline carriers, grant of CTIA's Petition would impose obligations on the **SDTA** members. Accordingly. SDTA has an interest in this proceeding.

## **II. WIRELINE LNP IS AND SHOULD BE LIMITED TO EXISTING RATE CENTER BOUNDARIES**

**As** demonstrated in the NECA/NTCA and OPASTCO Comments, the Commission limited wireline local number portability (**LNP**) to the existing rate center boundaries of incumbent LECs,<sup>2</sup> due to the need to ensure proper rating and routing of calls. The CTIA Petition seeks to circumvent this limitation and, in effect, require location portability, which allows users of telecommunications services to retain existing telecommunications numbers when moving from one physical location to another.<sup>3</sup>

The Commission declined to mandate location portability for a number reasons including the fact that the disassociation of numbers from rate centers would result in consumers inadvertently making, and being billed for, toll calls and it would force changes in dialing patterns to place local calls to locations beyond the existing rate centers. The Commission also recognized that preventing these problems would require

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<sup>2</sup> Telephone Number Portability, *Second Report and Order*, CC Docket No. 95-116, 12 FCC Rcd **12281** (1997) (*Second Report and Order*)

<sup>3</sup> Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd **8352, 8443** (1996)

carriers, and ultimately consumers, to incur additional costs to modify carrier billing and operation systems.<sup>4</sup>

As demonstrated by the NECA/NTCA and OPASTCO Comments, grant of CTIA's Petition would disassociate numbers from the rate center and, in effect, impose location portability. Moreover, as demonstrated, the very harms sought to be avoided by the Commission would occur. Namely, consumers could inadvertently make, and be billed for, toll calls. Grant of the Petition also could increase ILEC costs and jeopardize ILEC revenues.

Customer confusion would result because ILECs currently rate calls based on the rate center associated with the telephone number. If the CTIA Petition is granted and a number assigned to a particular rate center is ported to another carrier's facilities outside of that rate center, any calls to that number may be subject to toll charges, even if they previously were considered local calls.<sup>5</sup> Thus, customers would no longer be able to **know** if a call is a toll call based on the telephone number.

In addition, if the new rate center is located outside the rural carrier's serving area or state, the intercarrier compensation regime that applies to a call could be affected. This would jeopardize current compensation revenues to ILECs, upon which rural ILECs depend. **As described by NECA/NTCA**, "[c]ompensation shortfalls may also result when carriers seek to use NPA-NXX codes with routing points that differ from rating points, as in the case for numbers ported to a wireless carrier's PO1 situated outside the rural carrier's serving areas. In such cases, wireless carriers can circumvent intercarrier

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<sup>4</sup> *Id.* at 8448

<sup>5</sup> OPASTCO Comments at 2

compensation mechanisms and obtain indirect interconnection to independent ILEC networks without paying compensation for terminating traffic.”<sup>6</sup>

The CTIA proposal also would impose new burdens and expenses on ILECs by expanding their LNP obligations. As argued by OPASTCO, at the very least, the Commission must consider the impact of CTIA’s request on rural ILECs before imposing additional burdens on them.’

### **III. INTERCONNECTION AGREEMENTS ARE NECESSARY BEFORE NUMBER PORTING**

The Commission must reject CTIA’s position that nothing more than a standard service-level porting agreement is necessary before a wireline carrier ports a number to a *CMRS* provider. CTIA claims that there is no need for any additional agreement because “the traffic will be governed by the terms of the interconnection agreement already established between the two carriers ..”<sup>8</sup>

This is simply false, however, as there are instances where the *CMRS* provider interconnects with the LEC indirectly through the tandem switch of another carrier and there is no interconnection agreement. Without an interconnection agreement, the wireless carrier could avoid paying terminating compensation, to which the LEC is entitled, for the use of LEC facilities. Therefore, interconnection agreements are necessary to ensure the proper recovery of LEC costs.

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<sup>6</sup> NECA/NTCA Comments at 6-7.

<sup>7</sup> OPASTCO Comments at 6

<sup>8</sup> CTIA Petition at **3-4**

#### IV. CONCLUSION

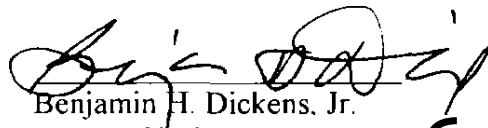
For the reasons above, SDTA urges the Commission to deny the Petition for Declaratory Ruling filed by CTIA

Respectfully submitted,

**SOUTH DAKOTA  
TELECOMMUNICATIONS  
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Dated. March 13, 2003

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## CERTIFICATE OF SERVICE

I, Douglas W. Everette, hereby certify that I am an attorney with the law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, and that copies of the foregoing Reply Comments were served by hand delivery or by U.S. Mail\* on this 13<sup>th</sup> day of March, 2003 to the persons listed below:

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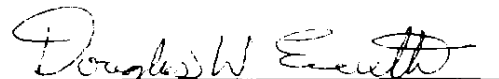
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